

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Matthew DeRoche  
Plaintiff(s)  
vs.  
Dewitt Police Department  
Defendant(s)

Civil Case No.: 5:22-cv-1344  
CIVIL  
RIGHTS  
COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983  
(DNH)  
(ATB)

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

## JURISDICTION

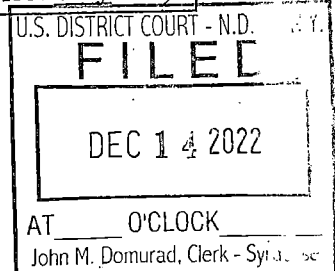
- This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

## PARTIES

- Plaintiff: Matthew DeRoche  
Address: 6159 Crestview dr  
North Syracuse Ny 13212

Additional Plaintiffs may be added on a separate sheet of paper.

- Defendant: Terrell Petric  
Official Position: Police Officer Sergeant  
Address: 5400 Butternut Dr East  
Syracuse, Ny 13057



b. Defendant: Justin Baum  
Official Position: Police officer detective  
Address: 5400 Butternut Dr East  
Syracuse, Ny, 13057

c. Defendant: James Dean  
Official Position: Police officer  
Address: 5400 Butternut Dr East  
Syracuse, Ny 13057

Additional Defendants may be added on a separate sheet of paper.

4.

#### FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).**



Matthew Derocha &lt;matthewderocha555@gmail.com&gt;

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**(no subject)**

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**Matthew Derocha** <matthewderocha555@gmail.com>

Wed, Dec 14, 2022 at 2:58 AM

Draft

On September 25th 2020 7:30 am I Matthew DeRocha was at Cliff's Market at 3100 Erie Boulevard East Syracuse New York 13214 doing scratch off tickets when three officers approached me later a fourth and ask what I was doing they said I was told to leave by the gas station attendant i said they never said this to me they agreed said they believe me he asked for my license registration gave it to him showed I had a expired license they said I cannot drive home I asked if I tow my car home they said no and they have to tow it because it's in a non parking spot they looked in the backseat of my car scene copper I had caught asked me where it came from I said from my friends and I didn't want to tell they where my friend lives he automatically assumed it was stolen said he was confiscating it and Towing my car pending an investigation I started video tape him because they had know right to do this he said I was acting sporadically and wanted to put me in handcuffs a few minutes earlier said I was free to leave I was not acting sporadically I allowed him to hand cuff me he then said I harassed him and put me in the back of the patrol car and I got in and he choked me told me to calm down he close the door they reopened the door and I slid out of the car and sat down on the ground where i could be scene started kicking and screaming for help because he just charged me with harassment for no reason after a few minutes of a screaming for help they put me back in the police car and charged me with assault second resisting arrest and harassment because this has happened a bunch of times before I acted this way because I was scared and you can't always prove. You're innocent Detective Justin Baum said I harassed him and Sargeant Jarod Petrie said I assault second him both were lies



Matthew Derocha &lt;matthewderocha555@gmail.com&gt;

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**(no subject)**

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**Matthew Derocha** <matthewderocha555@gmail.com>  
Draft

Wed, Dec 14, 2022 at 3:06 AM

On September 25th 2020 around 7:30 am I Matthew Derocha was at cliffs market 3100 Erie Blvd east syracuse ny 13214 doing scratch off tickets when officers arrested me for assault second resisting arrest and harassment.

On April 29th 2022 After a 3-day trial I proved that officers James Dean detective justin Baum sergeant Jared Petrie lied under oath and said I kicked Jared Petrie and the charge assault second a felony was acquitted also that I kicked Justin Baum and the charge harassment was acquitted but was found guilty of resisting arrest. I was incarcerated for 9 months 9 days and the misdemeanor charge resisting arrest I was found guilty on Can Only Hold Me 8 months so I have 39 days of overconfinement because of the felony charge I waited trial for I was arrested July 22nd 2021 and released April 29th I have release papers that show this. I have the videos showing the actual arrest showing I didn't kick or hit the officers from cliffs market



Matthew Derocha &lt;matthewderocha555@gmail.com&gt;

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**(no subject)**

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**Matthew Derocha** <matthewderocha555@gmail.com>

Wed, Dec 14, 2022 at 3:13 AM

Draft

My civil rights were violated when they charged me was assault second and harassment saying I hit them when I didn't and I think they did this maliciously to hurt me and it did emotionally and physically when I had to spend more time in jail than what resisting arrest is & legally allowed to hold me and I think this was done purposely to hurt me it definitely wasn't to be nice or to do me a favor

5.

### CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

#### FIRST CAUSE OF ACTION

Punitive

Because my injuries where  
and are at fault and the party  
behaved remarkably reckless  
and malicious

#### SECOND CAUSE OF ACTION

Overdetention

Because I was charged with  
assault and I was held in jail  
longer than a resisting arrest  
could hold me 37 days  
longer

#### THIRD CAUSE OF ACTION

emotional distress  
malicious prosecution  
emotional distress I was  
hospitalised for this  
will explain if needed

6. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

1000000. 1 million dollars

bifurcated

So the jury does not know  
the amount

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 12/10/22

Matthew DeRosa

\_\_\_\_\_  
Signature of Plaintiff(s)  
(all Plaintiffs must sign)

02/2010